

Notice of Allowability

Application No.

09/739,309

Applicant(s)

AWEYA ET AL.

Examiner

Art Unit

Stephan F. Willett

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/12/05.
2. ☒ The allowed claim(s) is/are 1-3,5-11,13-20,22-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Examiner's Amendment

1. Authorization for this Examiner's amendment was given in a telephonic interview with Christopher Cuneo with Reg. No. 42,450 on November 21, 2005 after the examiner indicated that a 35 USC 101 rejection would have been made for claims 28-30 and 32-38.
2. Cancel claims 28-30 and 32-38.

Allowable Subject Matter

1. Claims 1-3, 5-11, 13-20, 22-27 are allowed.
2. The following is an examiner's statement of reasons for allowance: independent claims 1, 11, 18 teach organizing a forward buffer that stores packets, calculating the networks advertised window size by initializing a timer to a predetermined interval and an iteration counter to an initial value, by sampling a queue size during a timer predetermined interval, by calculating a current error signal based on the queue size, and lastly, by summing the previous window size with the error signal multiplied by a predetermined parameter, resetting the timer after expiration of the predetermined interval, iterating the iteration counter upon expiration of the predetermined interval, providing advertised window size to a TCP source, and calculating a dynamic buffer threshold based on sum of the queue sizes and buffer space.
3. The closest prior art of record, Siu, does not teach summing the previous window size with the error signal multiplied by a predetermined parameter. Therefore, independent claims 11, 11, 18 are allowable over the prior art.

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4. Claims 2-3, 5-10, 13-17, 19-20, 22-27, are allowed by the same rational as well as the further limitations added by these dependent claims.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.
3. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

sfw

November 28, 2005



**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**